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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERINO, *et al.*, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY and
WELLS FARGO BANK, N.A.,

Defendants.

Case No.: 2:16-cv-07840-ES-MAH

**PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that on April 1, 2019 at 9:00 AM or as soon thereafter as the matter can be heard, Plaintiffs, through their undersigned counsel, will move before Hon. Esther Salas, U.S.D.J., to enter the proposed Order Granting Plaintiffs' Motion for Preliminary Approval of Settlement Agreement (the

“Preliminary Approval Order”). **Defendant does not oppose this motion.** Specifically, Plaintiffs respectfully file this Motion for Preliminary Approval of Settlement Agreement, and move the Court for an order:

1. Granting preliminary approval of the Parties’ Settlement Agreement and Release (“Settlement” or “Agreement”) as fair, reasonable and adequate pursuant to FED. R. CIV. P. 23(e), and as a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), that furthers the purpose of the FLSA;

2. Provisionally certifying the Settlement Class and its Applicable State Subclasses¹ pursuant to FED. R. CIV. P. 23(a) and (b)(3) for purposes of administering the proposed Settlement;

3. Provisionally certifying the Settlement Collective pursuant to 29 U.S.C. § 216(b) for purposes of administering the proposed Settlement;

4. Provisionally appointing Plaintiffs Juan Carlos Merino and Jonathon Almonte as class representatives for the New Jersey Subclass, Plaintiff Richard Sklenka as the class representative for the Connecticut Subclass, Plaintiff Abdullahi Hajisomo as the class representative for the Minnesota Subclass, Plaintiff Joshua Thomson as the class representative for the Nevada Subclass, Plaintiff Jonathan

¹ Terms capitalized in this Motion have the same meanings as those used in the Agreement which is attached hereto as Exhibit 1.

Almonte as the class representative for the New York Subclass, Plaintiff Claudia Cervantes Chouza as the class representative for the North Carolina Subclass, and Keenan Johnson as the class representatives for the Pennsylvania Subclass;

5. Provisionally appointing Berger Montague, PC, the Law Office of Roosevelt N. Nesmith, LLC, Giskan Solotaroff & Anderson LLP, The Markham Law Firm, Reali Law APC, Quintilone & Associates, and Russel S. Warren Jr., as Class Counsel;

6. Appointing Rust Consulting, Inc. as the Administrator to provide notice to the Settlement Collective and Settlement Class and administer the Settlement;

7. Approving as to form and content the proposed Claim Form attached as Exhibit A to the Agreement, and the proposed Notices of Class and Collective Action Settlement attached as Exhibits B and C to the Agreement, and directing that notice of the Settlement be provided to the Settlement Class and Settlement Collective in accordance with the provisions of the Agreement; and

8. Scheduling a Final Approval Hearing to consider the fairness, reasonableness and adequacy of the Agreement and whether final approval should be granted.

This Motion is based on the accompanying Memorandum of Law; the proposed Agreement, which is attached hereto as Exhibit 1 (with its Exhibits A - G); the accompanying Declarations of Shanon J. Carson, Roosevelt N. Nesmith, Peggy

J. Reali, David R. Markham, Catherine E. Anderson, Russell S. Warren, and Richard E. Quintilone filed in support of this Motion; and all other records, pleadings and papers on file in this action. Pursuant to the terms of the Agreement, Defendants do not oppose this Motion.

A proposed Order is submitted for the Court's consideration.

Dated: February 28, 2019

Respectfully submitted,

s/Roosevelt N. Nesmith
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*Admitted *pro hac vice*.

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel of record through the Court's ECF system this 28th day of February, 2019.

s/ Roosevelt N. Nesmith
Roosevelt N. Nesmith